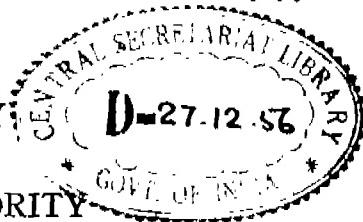


The Gazette of India



EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 66] NEW DELHI, SATURDAY, DECEMBER 15, 1956

RAJYA SABHA

The following Bills, were introduced in the Rajya Sabha on the 15th December, 1956:—

Bill No. XXV of 1956.

A bill to continue the Delhi (Control of Building Operations) Act, 1955, for a further period.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Delhi (Control of Building Operations) Continuance Act, 1956. Short title
2. In sub-section (3) of section 1 of the Delhi (Control of Building Operations) Act, 1955, for the figures, letters and words '1st day of January, 1957', the figures, letters and words '1st day of January, 1958' shall be substituted. Amendment of section 1.

53 of 1955.

STATEMENT OF OBJECTS AND REASONS

With a view to the development of Delhi according to plan it was proposed that there should be a single authority to deal with the planning and development of the urban area of Delhi instead of the multiple authorities operating in the field. As an interim measure the Delhi Development (Provisional) Authority was set up to control haphazard building operations under the Delhi (Control of Building Operations) Ordinance, 1955, which was later enacted by Parliament as the Delhi (Control of Building Operations) Act, 1955 (53 of 1955). The life of that Act is upto the 1st January, 1957, and it was thereafter proposed to have legislation for setting up a permanent body for the development of Delhi. In view, however, of the decision to set up a Corporation for Delhi it is considered advisable to postpone legislation for the establishment of that permanent body. It is accordingly proposed that the life of the Delhi (Control of Building Operations) Act, 1955, may be extended for one year more.

AMRIT KAUR.

NEW DELHI;

The 12th December, 1956.

FINANCIAL MEMORANDUM

The Bill involves expenditure to the Central Government on account of the staff and contingencies of the Delhi Development (Provisional) Authority, the constitution of which is provided for under section 3 of the Delhi (Control of Building Operations) Act, 1955 (53 of 1955). According to the estimates, the expenditure from the Consolidated Fund on account of the Bill is expected to be Rs. 3·45 lakhs during the 9 months of the year 1957-58, i.e., from 1st April, 1957 to 31st December, 1957.

BILL No. XXVI of 1956.

A bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

~~Short title, extent, commencement and duration.~~ 1. (1) This Act may be called the Delhi Tenants (Temporary Protection) Act, 1956.

(2) It extends to the areas in the Union Territory of Delhi to which the Rent Control Act extends for the time being:

Provided that nothing in this Act shall be deemed to extend to any area declared to be a slum area under any law for the time being in force.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall cease to have effect on the expiration of two years from the date appointed under sub-section (3), except as respects things done or omitted to be done before such expiration; and section 6 of the General Clauses Act, 1897, shall apply upon the expiration of this Act as if it had then been repealed by a Central Act.

~~Definitions.~~

2. In this Act, unless the context otherwise requires,—

(a) "premises" means any premises as defined in clause (g) of section 2 of the Rent Control Act, and includes any vacant ground;

(b) "Rent Control Act" means the Delhi and Ajmer Rent Control Act, 1952;

(c) words used, but not defined in this Act and defined in the Rent Control Act, shall have the meanings respectively assigned to them in that Act, subject to the modification that the word "premises" as used in that Act shall be construed as defined in clause (b) of this section.

3. Nothing in this Act shall apply—

- (a) to any premises the standard rent of which, or, where there is no standard rent, the rent payable by the tenant in respect of which, exceeds rupees one hundred per month;
- (b) to any premises belonging to the Government;
- (c) to any tenancy or other like relationship created by a grant from the Government in respect of any premises taken on lease, or requisitioned, by the Government;
- (d) to any premises exempted from the operation of the provisions of the Rent Control Act by virtue of section 39 thereof; or
- (e) to any premises belonging to the Delhi Improvement Trust.

4. So long as this Act remains in force, no decree or order, whether passed before or after the commencement of this Act, for the recovery of possession of any premises shall be executed against any person except in the following cases, namely:—

- (i) where the decree or order is on one or more of the grounds specified in clauses (a), (b), (c) and (e) of the proviso to sub-section (1) of section 13 of the Rent Control Act;
- (ii) where the decree or order is on the ground that the tenant has, whether before or after the commencement of the Rent Control Act, caused or permitted to be caused substantial damage to the premises; or
- (iii) where the decree or order relates to any vacant ground and has been passed on any ground similar to any of those referred to in sub-clauses (i) and (ii).

Explanation.—Nothing contained in this section shall be construed as preventing the execution of any decree or order passed on any of the grounds specified in this section by reason merely of the fact that the decree or order is based also on some other ground not specified in this section.

5. In computing the period of limitation prescribed for an application for the execution of any decree or order which cannot be executed by reason of the provisions contained in this Act, the time during which this Act remains in force shall be excluded.

Act not to apply to certain premises.

Temporary protection to certain classes of tenants from eviction.

Exclusion of time for limitation.

STATEMENT OF OBJECTS AND REASONS

Reports received indicate that a large number of proceedings have been instituted by landlords in the Delhi courts for the eviction of tenants on one or more of the grounds specified in section 13 of the Delhi and Ajmer Rent Control Act, 1952. Any large-scale eviction of tenants will affect adversely those of them who belong to the poorer section of the community and is bound to create an undesirable situation. It is therefore necessary to undertake legislation to afford protection to tenants from eviction except in certain cases where eviction is justified. The Bill seeks to give temporary protection to tenants who are in occupation of premises, the rent of which does not exceed one hundred rupees, from being evicted from their premises except on one or the other of the following grounds, namely:—

- (i) failure to pay rent;
- (ii) using the premises for a purpose other than that for which it was rented;
- (iii) sub-letting the premises without permission;
- (iv) causing substantial damage to the premises; and
- (v) the premises being required by the owner for his own bona fide personal use.

The provisions of the Bill will apply only to areas other than those declared to be slum areas, as legislation in respect of the latter is being undertaken separately.

2. This law is intended to be in operation only for a period of two years leaving the position to be reviewed before the expiration thereof.

SWARAN SINGH.

NEW DELHI;

The 13th December, 1956.

BILL No. XXVII of 1956.

A bill to provide for the improvement and clearance of slum areas in certain Union territories and for the protection of tenants in such areas from eviction.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Slum Areas (Improvement and Clearance) Act, 1956.

Short title,
extent and
commencement.

(2) It extends to all Union territories except the Union territories of the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindivi Islands.

(3) It shall come into force in a Union territory on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different Union territories.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Administrator" means the Administrator of a Union territory;

(b) "building" includes any structure or erection or any part of a building as so defined but does not include plant or machinery comprised in a building;

(c) "competent authority" means such officer or authority as the Administrator may, by notification in the Official Gazette, appoint as the competent authority for the purposes of this Act;

(d) "erection" in relation to a building includes extension, alteration or re-erection;

(e) "improvement" with its grammatical variations includes in relation to any building in a slum area the execution of any one or more of the following works, namely:—

- (i) necessary repairs;
 - (ii) structural alterations;
 - (iii) provision of light points and water taps;
 - (iv) construction of drains, open or covered;
 - (v) provision of latrines;
 - (vi) provision of additional or improved fixtures or fittings;
 - (vii) opening up or paving of court yards;
 - (viii) removal of rubbish; and
 - (ix) any other work including the demolition of any building or any part thereof which in the opinion of the competent authority is necessary for executing any of the works specified above;
- (f) "occupier" includes an owner in occupation of or otherwise using his own land or building;

(g) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or as agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(h) "prescribed" means prescribed by rules made under this Act; and

(i) "slum clearance" means the clearance of any slum area by the demolition and removal of buildings therefrom.

CHAPTER II

SLUM AREAS

**Declaration
of slum
areas.**

3. (1) Where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the buildings in that area—

- (a) are in any respect unfit for human habitation; or
- (b) are by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation

facilities, or any combination of these factors, are detrimental to safety, health or morals,

it may, by notification in the Official Gazette, declare such area to be a slum area.

(2) In determining whether a building is unfit for human habitation for the purposes of this Act, regard shall be had to its condition in respect of the following matters, that is to say—

- (a) repair;
- (b) stability;
- (c) freedom from damp;
- (d) natural light and air;
- (e) water supply;
- (f) drainage and sanitary conveniences;
- (g) facilities for storage, preparation and cooking of food and for the disposal of waste water;

and the building shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

CHAPTER III

SLUM IMPROVEMENT

4. (1) Where the competent authority upon report from any Power of its officers or other information in its possession is satisfied that any building in a slum area is in any respect unfit for human habitation, it may, unless in its opinion the building is not capable at a reasonable expense of being rendered so fit, serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute the works of improvement specified therein and stating that in the opinion of the authority those works will render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner, the competent authority may serve a copy of the notice on any other person having an interest in the building whether as lessee, mortgagee or otherwise.

(3) In determining, for the purposes of this Act, whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

Enforcement
of notice
requiring
execution
of works of
improvement.

5. (1) If a notice under section 4 requiring the owner of the building to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice the competent authority may itself do the work required to be done by the notice.

(2) All expenses incurred by the competent authority under this section, together with interest, at such rate as the Central Government may by order fix, from the date when a demand for the expenses is made until payment, may be recovered by the competent authority from the owner of the building as arrears of land revenue:

Provided that if the owner proves that he—

(a) is receiving the rent merely as agent or trustee for some other person; and

(b) has not in his hands on behalf of that other person sufficient money to satisfy the whole demand of the authority, his liability shall be limited to the total amount of the money which he has in his hands as aforesaid.

(3) If the owner of the building is different from the person who owns the land on which the building stands and the expenses incurred by the competent authority under this section are recoverable from both these persons, then, such expenses shall be recovered from them in such proportion as may be determined by the competent authority or by an officer empowered by it in this behalf.

Expenses of
maintenance
works of
improvement,
etc., to be
recoverable
from the
occupiers of
buildings.

6. Where works of improvement have been executed in relation to any building in a slum area in pursuance of the provisions of sections 4 and 5, the expenses incurred in connection with the maintenance of such works of improvement or the enjoyment of amenities and conveniences rendered possible by such works shall be recoverable from the occupier or occupiers of the building as arrears of land revenue.

Power of
competent
authority to
order demo-
lition of
buildings un-
fit for human
habitation.

7. (1) Where a competent authority upon a report from any of its officers or other information in its possession is satisfied that any building within a slum area is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, it shall serve upon the owner of the building, and upon any other person having an interest in the building, whether as lessee, mortgagee or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the competent authority and gives an undertaking to the authority that such person shall within a period specified by the authority execute such works of improvement in relation to the building as will in

the opinion of the authority render the building fit for human habitation, or that it shall not be used for human habitation, until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking, the authority shall not make any order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the competent authority shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

8. (1) Where an order for demolition of a building under section 7 has been made the owner of the building or any other person having an interest therein shall demolish that building within the time specified in that behalf by the order; and if the building is not demolished within that time the competent authority shall enter and demolish the building and sell the materials thereof.

Procedure to
be followed
where
demolition
order has
been made.

(2) Any expenses incurred by the competent authority under sub-section (1), if not satisfied out of the proceeds of sale of materials of the building shall be recoverable from the owner of the building or any other person having an interest therein as arrears of land revenue.

CHAPTER IV

SLUM CLEARANCE AND RE-DEVELOPMENT

9. (1) Where the competent authority upon a report from any of its officers or other information in its possession is satisfied as respects any slum area that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of this Act:

Power to
declare any
slum area
to be a clear-
ance area.

Provided that any building in the area which is not unfit for human habitation or dangerous or injurious to health may be excluded from the declaration if the authority considers it necessary:

Provided further that the resources of the authority are sufficient for the purpose of giving effect to the declaration so made.

(2) The competent authority shall forthwith transmit to the Administrator a copy of the declaration under this section together with a statement of the number of persons who on a date specified in the statement were occupying buildings comprised in the clearance areas.

Slum clearance order.

10. (1) As soon as may be after the competent authority has declared any slum area to be a clearance area, it shall make a slum clearance order in relation to that area ordering the demolition of each of the buildings specified therein and submit the order to the Administrator for confirmation.

(2) The Administrator may either confirm the order *in toto* or subject to such variations as he considers necessary or reject the order.

(3) If the Administrator confirms the order, the order shall become operative from the date of such confirmation.

(4) When a slum clearance order has become operative, the owner or owners of buildings to which the order applies shall demolish the buildings before the expiration of six weeks from the date on which the building is required by the order to be vacated or if it is not vacated until after that date before the expiration of six weeks from the date on which it is vacated or in either case before the expiration of such longer period as in the circumstances of the case the competent authority may deem reasonable.

(5) If the buildings are not demolished before the expiration of the period mentioned in sub-section (4), the competent authority shall enter and demolish the buildings and sell the materials thereof.

(6) Any expenses incurred by the competent authority in demolishing any building shall, if not satisfied out of the proceeds of sale of materials thereof, be recoverable by the competent authority as arrears of land revenue.

(7) Where a slum clearance order has become operative no land to which the order applies shall be re-developed except in accordance with plans approved by the competent authority and except subject to such restrictions and conditions, if any, as the competent authority may think fit to impose:

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition, may at any time appeal to the Administrator and the Administrator shall make such order in the matter as he thinks proper and his decision shall be final.

(8) No person shall commence or cause to be commenced any work in contravention of a plan approved or a restriction or condition imposed under sub-section (7).

11. Where land has been cleared of buildings in accordance with a slum clearance order, the competent authority may, at any time after the expiration of twelve months from the date on which the order became operative by order determine to re-develop any land which on the date of the making of the order has not been, or is not in process of being, re-developed by the owner thereof in accordance with plans approved by the authority and any restrictions and conditions imposed under sub-section (7) of section 10.

CHAPTER V

ACQUISITION OF LAND

12. (1) Where on any representation from the competent authority it appears to the Central Government that in order to enable the authority to execute any work of improvement in relation to any building, in a slum area or to re-develop any clearance area it is necessary that land within, adjoining or surrounded by any such area should be acquired, the Central Government may acquire the land by publishing in the Official Gazette a notice to the effect that the Central Government has decided to acquire the land in pursuance of this section:

(Provided that, before publishing such notice, the Central Government may call upon the owner of, or any other person who, in the opinion of the Central Government, may be interested in, such land to show cause why it should not be acquired; and after considering the cause, if any, shown by the owner or any other person interested in the land, the Central Government may pass such order as it deems fit.

(2) When a notice as aforesaid is published in the Official Gazette, the land shall, on and from the date on which the notice is so published, vest absolutely in the Central Government free from all encumbrances.

13. Where any land in a slum area or clearance area has been acquired under this Act the Central Government shall make the land available to the competent authority for the purpose of executing any work of improvement or carrying out any order of demolition or for the purpose of re-development.

14. Every person having any interest in any land acquired under this Act shall be entitled to receive from the Central Government compensation as provided hereafter in this Act.

15. (1) The amount payable as compensation in respect of any land acquired under this Act shall be an amount equal to sixty times the net average monthly income actually derived from such land

Power of competent authority to re-develop clearance area or any part thereof.

Power of Central Government to acquire land.

Land acquired by Central Government to be made available to the competent authority.

Right to receive compensation.

Basis for determination of compensation.

during the period of five consecutive years immediately preceding the date of publication of the notice referred to in section 12.

(2) The net average monthly income referred to in sub-section (1) shall be calculated in the manner and in accordance with the principles set out in the Schedule.

(3) The competent authority shall, after holding an enquiry in the prescribed manner, determine in accordance with the provisions of sub-section (2) the net average monthly income actually derived from the land and publish a notice in the Official Gazette specifying the amount so determined and calling upon the owner of the land and every person interested therein to intimate to it before a date specified in the notice whether such owner or person agrees to the amount so determined and if he does not so agree, what amount he claims to be the net average monthly income actually derived from the land.

(4) Any person who does not agree to the amount of the net average monthly income determined by the competent authority under sub-section (3) and claims a sum in excess of that amount may prefer an appeal to the Administrator within thirty days from the date specified in the notice referred to in that sub-section.

(5) On appeal the Administrator shall, after hearing the appellant, determine the net average monthly income and his determination shall be final and shall not be questioned in any court of law.

(6) Where there is any building on the land in respect of which the net average monthly income has been determined, no separate compensation shall be paid in respect of such building:

Provided that where the owner of the land and the owner of the building on such land are different, the competent authority shall apportion the amount of compensation between the owner of the land and the owner of the building in such proportion as he considers reasonable:

Provided further that the compensation in respect of the building shall not in any case exceed fifty per cent of the total amount of compensation which has been determined in accordance with the provisions of this section.

**Apportion
ment of com-
pensation.**

16. (1) Where several persons claim to be interested in the amount of compensation determined under section 15, the competent authority shall determine the persons who in its opinion are entitled to receive compensation and the amount payable to each of them.

1 of 1894.

(2) If any dispute arises as to the apportionment of compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the competent authority may refer the dispute to the decision of the Administrator; and the Administrator in deciding any such dispute shall follow, as far as may be, the provisions of Part III of the Land Acquisition Act, 1894.

17. (1) After the amount of compensation has been determined, the competent authority shall on behalf of the Central Government tender payment of, and pay, the compensation to the persons entitled thereto.

Payment of compensation or deposit of the same in court.

1 of 1894.

(2) If the persons entitled to compensation do not consent to receive it, or if there be any dispute as to the title to receive compensation or as to the apportionment of it, the competent authority shall deposit the amount of the compensation in the court of the District Judge and that court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

1 of 1908.

18. (1) The competent authority may, for the purposes of determining the amount of compensation or apportionment thereof, require by order any person to furnish such information in his possession as may be specified in the order.

Powers of competent authority in relation to determination of compensation, etc.

(2) The competent authority shall, while holding enquiry under section 15, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining them on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commissions for examination of witnesses.

CHAPTER VI

PROTECTION OF TENANTS IN SLUM AREAS FROM EVICTION

19. (1) Notwithstanding anything contained in any other law for the time being in force, no person who has obtained any decree or order for the eviction of a tenant from any building in a slum area shall be entitled to execute such decree or order except with the previous permission in writing of the competent authority.

Tenants in slum areas not to be evicted without permission of the competent authority.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application the competent authority, after giving an opportunity to the tenant of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall by order in writing either grant such permission or refuse to grant such permission.

(4) Where the competent authority refuses to grant the permission it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.

Appeals.

20. Any person aggrieved by an order of the competent authority refusing to grant the permission referred to in sub-section (1) of section 19 may, within such time as may be prescribed, prefer an appeal to the Administrator and the decision of the Administrator on such appeal shall be final.

Chapter not
to apply to
eviction of
tenants from
certain build-
ings.

21. Nothing in this Chapter shall apply to or in relation to the execution of any decree or order under any law for the eviction of a tenant from any building in a slum area belonging to the Government, the Delhi Improvement Trust or any local authority.

CHAPTER VII

MISCELLANEOUS

**Powers of
entry.**

22. It shall be lawful for any person authorised by the competent authority in this behalf to enter into or upon any building or land in a slum area with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work which is authorised by or under this Act or which it is necessary to execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule or order made thereunder.

**Powers of
inspection.**

23. (1) The competent authority may by general or special order authorise any person—

(a) to inspect any drain, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in a slum area, and in his discretion to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the slum area, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain, or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the competent authority.

24. (1) Any person authorised by the competent authority in this behalf may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or for obtaining access to such work or for any other purposes connected with the carrying on of the same.

(2) The person so authorised shall before entering on any land under sub-section (1) state the purpose thereof, and shall, if so required by the occupier, or owner, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage, as may be, and compensation shall be payable by the competent authority to the owner or occupier of such land or to both for any such damage whether permanent or temporary.

25. It shall be lawful for any person authorised by the competent authority in this behalf to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

26. No entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Entry to be made in the day time.

27. No building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, Owner's consent ordinarily to be obtained.

as the case may be, not less than twenty-four hours' written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a shed for cattle or a latrine, urinal or a work under construction.

Power of
eviction to
be exercised
only by the
competent
authority.

28. Where the competent authority is satisfied either upon a representation from the owner of a building or upon other information in its possession that the occupants of the building have not vacated it in pursuance of any notice, order or direction issued or given by the authority, the authority shall by order direct the eviction of the occupants from the building in such manner and within such time as may be specified in the order:

Provided that before making any order under this section the competent authority shall give reasonable opportunity to the occupants of the building to show cause why they should not be evicted therefrom.

Power to
remove
offensive or
dangerous
trades from
slum areas.

29. The competent authority may by order in writing direct any person carrying on any dangerous or offensive trade in a slum area to remove the trade from that area within such time as may be specified in the order:

Provided that no order under this section shall be made unless the person carrying on the trade has been afforded reasonable opportunity of showing cause as to why the order should not be made.

Appeals.

30. (1) Except as otherwise expressly provided in this Act any person aggrieved by any notice, order or direction issued or given by the competent authority may appeal to the Administrator within a period of thirty days from the date of issue of such notice, order or direction.

(2) Every appeal under this Act shall be made by petition in writing accompanied by a copy of the notice, order or direction appealed against.

(3) On the admission of an appeal, all proceedings to enforce the notice, order or direction and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and if the notice, order or direction is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

(4) No appeal shall be decided under this section unless the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

(5) The decision of the Administrator on appeal shall be final and shall not be questioned in any court.

31. (1) Every notice, order or direction issued under this Act shall, save as otherwise expressly provided in this Act, be served—^{Service of notices, etc.}

(a) by giving or tendering the notice, order or direction, or by sending it by post to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice, order or direction on some conspicuous part of his last known place of abode or business, or by giving or tendering the notice, order or direction to some adult male member or servant of his family or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where the person on whom a notice, order or direction is to be served is a minor, service upon his guardian or upon any adult male member or servant of his family shall be deemed to be the service upon the minor.

(3) Every notice, order or direction which by or under this Act is to be served as a public notice, order or direction or as a notice, order or direction which is not required to be served to any individual therein specified shall, save as otherwise expressly provided, be deemed to be sufficiently served if a copy thereof is affixed in such conspicuous part of the office of the competent authority or in such other public place during such period, or is published in such local newspaper or in such other manner, as the competent authority may direct.

32. (1) Whoever does any act in contravention of any notice, ^{Penalties.} order or direction issued or given under this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(2) Whoever commences or causes to be commenced any work in contravention of any restriction or condition imposed under sub-section (7) of section 10 or any plan for the re-development of a clearance area shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever obstructs the entry of any person authorised under this Act to enter into or upon any building or land or molests such person after such entry shall be punishable with fine which may extend to one thousand rupees.

(4) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(5) Notwithstanding anything contained in sub-section (3) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) 'company' means a body corporate and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

Order of
demolition
of buildings
in certain
cases.

33. Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of any restriction or condition imposed under sub-section (7) of section 10 or a plan for the re-development of any clearance area or in contravention of any notice, order or direction issued or given under this Act the competent authority may, in addition to any other remedy that may be resorted to under this Act or under any other law, make an order directing that such erection shall be demolished by the owner thereof within such time not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the competent authority may itself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:

Provided that no such order shall be made unless the owner has been given a reasonable opportunity of being heard.

34. No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

35. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the competent authority or an officer authorised by the competent authority in this behalf.

36. The competent authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised in such cases and subject to such conditions, if any, as may be specified in the notification, by such officer or local authority as may be mentioned therein.

37. No suit, prosecution or other legal proceeding shall lie against the competent authority or against any person for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

45 of 1860

38. The competent authority and any person authorised by him under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

39. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

40. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the manner of authentication of notices, orders and other instruments of the competent authority;

(b) the preparation of plans for the re-development of any slum area, and matters to be included in such plans;

(c) the form and manner in which applications for permission under sub-section (2) of section 19 shall be made and the fees to be levied in respect of such applications;

(d) the procedure to be followed by the competent authority before granting or refusing to grant permission under section 19;

(e) the time within which an appeal may be preferred under section 20;

(f) the officers and local authorities to whom powers may be delegated under section 36; and

(g) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

THE SCHEDEULE

(See section 15)

PRINCIPLES FOR DETERMINATION OF THE NET AVERAGE MONTHLY INCOME

1. The competent authority shall first determine the gross rent actually derived by the owner of the land acquired including any building on such land during the period of five consecutive years referred to in sub-section (1) of section 15.

2. For such determination the competent authority may hold any local enquiry and obtain, if necessary, certified copies of extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of such land.

3. The net average monthly income referred to in sub-section (1) of section 15 shall be sixty per cent. of the average monthly gross rent which shall be one sixtieth of the gross rent during the five consecutive years as determined by the competent authority under paragraph 1.

4. Forty per cent. of the gross monthly rental referred to above shall not be taken into consideration in determining the net average monthly income but shall be deducted in lieu of the expenditure which the owner of the land would normally incur for payment of any property tax to the municipal or other local authority, for collection charges, income-tax or bad debts as well as for works of repair and maintenance of the buildings, if any, on the land.

5. Where the land or any portion thereof has been unoccupied or the owner has not been in receipt of any rent for the occupation of the land during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land had been leased out for rent during the said period and for this purpose the rent actually derived from the land during a period prior or subsequent to the period during which it remained vacant or from similar land in the vicinity shall be taken into account.

STATEMENT OF OBJECTS AND REASONS

The rapid growth of population and over-crowding have created bad slums in Delhi. The average density of population in the Delhi City (area administered by the Delhi Municipal Committee) is about 600 per acre as against the normal standard of 200 per acre. In slum areas the average density is even higher varying from 800 to 1,200 per acre and in some katras the density is as high as 2,500 per acre. Other common features of these slum areas are—(i) dilapidated conditions of the tenements, (ii) lack of civic amenities and community facilities and (iii) cattle sharing the available space with human beings. The slums are a menace to the safety, health and morals of the inhabitants and it is of imperative necessity that improvements in, and clearance of, the slum areas have to be taken in hand immediately.

2. At present, there are neither any powers for entering privately owned slum areas for the purpose of providing basic amenities such as water supply, lavatories, etc., nor any powers for acquiring slum properties and demolishing dilapidated houses.

3. Slum dwellers are also harassed by eviction by landlords. Provision is necessary to prevent such eviction.

4. It is, therefore, considered necessary that a comprehensive slum improvement clearance Act be enacted under which Government should have the necessary powers for carrying out the requisite improvements, acquisition or demolition of slum properties and for the prevention of eviction of tenants from slum areas. Even though the necessary legislation is required mainly for Delhi, it is considered that it is better if it is enacted for all the Union territories except those of Andaman and Nicobar Islands and Laccadive, Minicoy and Amindivi Islands. The Bill, therefore, provides that the Act will come into force in a Union territory only on such date as the Central Government may notify.

GOVIND BALLABH PANT.

NEW DELHI;

The 15th December, 1956.

FINANCIAL MEMORANDUM

The Slum Areas (Improvement and Clearance) Bill, 1956 extends to all Union territories, but as stated in the Statement of Objects and Reasons the intention is to extend it at present to Delhi only. This involves expenditure to the Central Government on the following accounts:—

- (i) Compensation for acquisition of slum areas;
- (ii) Slum cleaning and improvement in 1500 katras.

Calculated on the basis of clause 15 of the Bill the estimated expenditure on (i) above will amount to approximately Rs. 2·5 crores.

The expenditure on slum cleaning and improvement service in 1500 katras at a rate of Rs. 5,000 per katra is estimated to be Rs. 75 lakhs. Under clause 5(2) of the Bill this expense is recoverable from the owners of the building. It may, however, become necessary for the Delhi Development (Provisional) Authority or any other authority entrusted with this work to incur this expenditure pending recovery. For this purpose suitable loans will be given by the Central Government to such authority.

No provision has been made in this Memorandum in respect of the expenditure which will have to be incurred in the Union territories other than Delhi. It has been provided in clause 1(3) of the Bill that it shall come into force on such date as the Central Government may appoint and different dates may be appointed for different territories. The financial implications of this Bill in so far as Himachal Pradesh, Tripura and Manipur are concerned will be worked out later in consultation with the Administrators of these territories as and when necessary.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 40 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. The various matters in respect of which such rules may be made have been specified in sub-clause (2) of that clause and relate to the manner of authentication of notices and orders of the competent authority, the preparation of plans for the re-development of any slum area, the form and manner of applications for permission to execute eviction-decrees, the procedure to be followed by the competent authority in disposing of such applications and the officers and authorities to whom powers of the competent authority may be delegated and such other matters of detail and administrative procedure. It is difficult and cumbersome to make provisions for these matters of detail and procedure in the Act itself. The delegation of legislative power is of the normal type.

S. N. MUKERJEE,

Secretary.

